RECORD AND BRIEFS

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IN THE

Supreme Court of the United States

MASTERPIECE CAKESHOP, LTD.; AND JACK C. PHILLIPS,

Petitioner,

v.

COLORADO CIVIL RIGHTS COMMISSION; CHARLIE CRAIG; AND DAVID MULLINS,

Respondents.

On Writ of Certiorari to the Colorado Court of Appeals

BRIEF OF 479 CREATIVE PROFESSIONALS AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF AMICI CURIAE

The *amici curiae* are a sizable and diverse group of interested creative professionals, representing every state in the union, District of Columbia and Puerto Rico – comprised of cake designers, musicians, florists, photographers, journalists, videographers, ceramic artists, poets, songwriters, calligraphers, graphic designers, cartoonists, bloggers, website designers, authors, actors, writers, sculptors, paper crafters, painters, and a muralist, among many other artistic vocations, who all share a deep concern over the on-going threat to expressive freedoms in the workplace.[1] They want to pursue their artistic endeavors as they see fit. They do not want the State forcing them to convey objectionable messages through their art. They want to create freely.

INTRODUCTION AND SUMMARY OF ARGUMENT

In *Obergefell v. Hodges*, this Court held same-sex couples possess a fundamental right to marry "inherent in the concept of individual autonomy." 135 S.Ct. 2584, 2599 (2015). Aware of fears that this

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[1] In adherence to Supreme Court Rule 37.6, counsel for *amici curiae* hereby represents that he authored this brief in its entirety and neither the parties, nor their counsel, nor anyone other than *amici* and *amici* counsel, made a monetary contribution to fund the preparation or submission of this brief. Also, pursuant to Supreme Court Rule 37.2, counsel for *amici curiae* represents that he supplied timely notice of intention to file this brief with counsel of record of all parties, and received the requisite consent to this filing from all counsel.

ruling could adversely impact religious liberty, Justice Kennedy, writing on behalf of the majority, emphasized "that religions, and those who adhere to religious doctrines, may continue to advocate with the upmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned." *Id.* at 2607. Also recognizing that some could oppose same-sex marriage for other reasons, the Court noted the inherent value of civil "disagree[ment]" and continuing with "open and searching debate" on this vitally important issue. *Id.*

Notwithstanding this sentiment, the *Obergefell* decision set expressive liberty on a collision course with the newly-articulated marriage liberty. Proponents of same-sex marriage presumed the right to marry brings with it an attendant right to make others participate in the wedding ceremony. Shortly after *Obergefell*, and even in anticipation of it, many states aggressively applied non-discrimination and public accommodation laws to wedding vendors who sought to avoid participation in same-sex weddings. This effort effectively cut short any debate on the propriety of same-sex marriage, demanding full agreement on the matter.

And, as a result, creative professionals[2], like Jack Phillips in this cause, are finding themselves in

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[2] The phrase "creative professionals," as that term is employed in this brief, refers to those who make a living through their expressive creations. Whereas many occupations have an expressive component, the occupations of "creative professionals" are expressive in nature.

the crosshairs of a political cause. Those who would rather not create art celebrating an event they cannot condone due to religious or other convictions – choosing to turn down such jobs – are facing criminal investigations, sanctions, fines, and imprisonment.

This conflict has led to a significant amount of litigation in the state court systems, with some cases working their way through the highest appellate levels. Thus far, state courts have devalued the expressiveness of creative professionals, upholding laws that require them to convey support for same-sex marriage – even though they oppose it. Riding the tidal wave of a social movement, the state courts have washed over First Amendment freedoms, drowning the expression of various types of creative professionals in their wake.

With state courts losing their way, *amici* urge this Court to correct the course. Artistic speech, whether expressed through painting a picture, taking a photograph, or designing a cake, is constitutionally protected and should be treated as such. The expression should neither be silenced nor coerced. Though the concern is currently most pressing in the same-sex wedding context, it is not so limited. Creative professionals of all stripes stand to suffer from undue compulsion, depending on how this Court rules here.[3]

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[3] A full listing of the *amici curiae* is set out in the appendix to this brief, showing a wide variety of creative individuals in differing fields and professions, including Micheal Flaherty, co-founder and president of Walden Media, who produced films

The instant case marks the first and best opportunity for the Court to consider the plight of creative professionals and to uphold their fundamental rights.

ARGUMENT

I. State Courts Have Shown a Propensity to Marginalize the Expressive Works of Creative Professionals

The Colorado Court of Appeals rejected Jack Phillips' compelled speech claim, finding "the compelled conduct here is not expressive."[4] Central to this ruling, the state court portrayed the expressive activity in question as compliance with Colorado Anti-Discrimination Act, and specifically, as "ceasing to discriminate against potential customers on the basis of their sexual orientation...."[5] Described in this way, the claim

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like *Chronicles of Narnia*, *The Giver*, and *Holes*, Anthony D'Ambrosio, partner at Catholic Creatives and Sherwood Fellows Creative Agency, Bruce Marchiano, actor, filmmaker, and author, who played Jesus in film *The Gospel of Matthew*, Dr. Janice Crouse, author and former speechwriter for President George W. Bush, Dr. Bruce Kirk, Dean of Communications at Liberty University, Bruce VanAntwerp, author and poet, Rachel Krueger, calligrapher and watercolor artist, Os Guinness, best-selling author, and Terry Shields, dancer and choreographer with Classical Ballet Centre, just to name a few. While many of the *amici* do not work in the wedding industry, they realize their rights are equally at stake in this matter because they, like Jack Phillips, create works of art for a living. The *amici* understand: They could be next.

[4] Pet'r's App. to Pet. for Cert. at 36a.

[5] *Id.* at 29a.

failed. The state court reasoned that Phillips did not communicate a message "merely by abiding by the law and serving its customers equally."[6]

One could deduce – in light of this holding that Phillips seeks a right to refuse service to same-sex couples. But this assumption would be false. Phillips gladly sells his standard cakes and assorted pastries to same-sex couples (or anyone else for that matter), appreciating the patronage for it.[7] Rather, with his claim, Phillips desires relief from a law mandating he artistically design and prepare a custom wedding cake communicating a celebratory message for a same-sex wedding ceremony – a message he would preferably not impart.[8]

The state court erred by failing to recognize – and therefore appreciate – the artistry involved in designing a custom wedding cake, causing the court to gloss over the expressive nature of Phillips' labor.

Jack Phillips is a creative professional. Wedding cakes are his works of art.[9] In lieu of watercolors or pastels, Phillips uses fondant icing or frosting. He does not wield brushes, but icing bags and various tips, in carrying out the designs. The cake itself acts as his canvas and conveys his message.[10] And Phillips' shop, Masterpiece Cakeshop, is the gallery where his art pieces are

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[6] *Id.* at 30a.
[7] *Id.* at 285a, 288a.
[8] *Id.* at 285-88a
[9] *Id.* at 277-80a.
[10] *Id.* at 279-80a, 283a.

displayed. In focusing on the commercial business of a pastry shop, instead of the art involved in creating a specifically-designed wedding cake, the state court did not account for the actual speech prone to compulsion in this cause.[11]

This decision does not mark the first time a state court has adopted such flawed approach – marginalizing the art and expression of a creative professional – against this same backdrop. In *Elane Photography, LLC v. Willock*, the New Mexico Supreme Court gave short-shrift treatment to the compelled speech claim of a photographer, Elaine Huguenin, who was required to take and present wedding photographs in a story-book form for a same-sex wedding, though she wished to opt out of it. 309 P.3d 53 (N.M. 2013). The court analyzed the business – and not the art – of photography, in discounting her compelled speech claim. *Id.* at 68.

Much like the Colorado court, the New Mexico court reckoned the non-discrimination law at issue there, the New Mexico Human Rights Act, only affected commercial dealings, remarking: "While photography may be expressive, the operation of a photography business is not." *Id.* But this overly-simplified view cannot explain away the problem of inducing creative professionals to convey unwanted messages. Elaine Huguenin had no misgivings about taking photographs for same-sex couples, but the non-discrimination law, as interpreted, required much more of her; she was compelled to lend her

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[11] *Id.* at 28-36a.

manifestly artistic talents in photography to showcase and promote a same-sex wedding that ran counter to her earnestly-held beliefs.[12]

This issue also arose in the State of Washington. There, Barronelle Stutzman, a floral design artist and owner of Arlene's Flowers, was subject to a public accommodation law commanding she create a floral arrangement for a same-sex wedding. *State v. Arlene's Flowers, Inc.*, 389 P.3d 543 (2017). Following the lead of other state decisions, the Washington Supreme Court found no fault in the compulsion, rationalizing that the sale of custom-designed floral arrangements does not constitute protectable speech because "the decision to either provide or refuse to provide flowers for a wedding does not inherently express a message about that wedding." *Id.* at 833.

Akin to other creative professionals in other states, Stutzman's constitutional concern does not relate to the business side of her trade. She is willing to sell flowers to anyone willing to purchase them from her, including the very complainant in her case, having sold a wide variety of original floral works to him in the past, observing anniversaries, birthdays, and Valentine's Days, among other special occasions.[13] Instead, her objection lies with the government compelling her to create and

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[12] Pet. for Cert. at 4-11, *Elane Photography, LLC v. Willock*, 134 S.Ct. 1787 (2014) (No. 13–585).

[13] Pet'r's App. to Pet. for Cert. at 318-19a, 384-85a, 404-05a, *Arlene's Flowers, Inc. v. Washington*, No. 17-108 (U.S. filed July 14, 2017).

arrange original floral designs celebrating an event (a same-sex wedding ceremony) that she cannot support for moral reasons.[14]

To facilitate the creative process, Stutzman accumulates feedback from her clientele, soliciting their tastes and preferences, and most importantly, their stories.[15] Incorporating colors and themes of the couple's choosing, she then creates an original arrangement giving voice to the couple's story via flowers, celebrating that specific union in a special way.[16] Despite the state's admission that these artistic floral designs qualify as "a form of expression,"[17] the state court denied the protection due Stutzman's artistry. *Arlene's Flowers, Inc.*, 389 P.3d at 556-60.

Representing a common strand in each of the aforementioned decisions, the respective state courts cite this Court's holding in *Rumsfeld v. Forum for Academic and Institutional Rights [FAIR]*, 547 U.S. 47 (2006) as primary authority in support. *See* Pet'r's App. to Pet. for Cert. at 30a-31a; *Arlene's Flowers, Inc.*, 389 P.3d at 557; *Elane Photography, LLC*, 309 P.3d 65, 69-70. Despite its regularity, the reliance on *FAIR* is misplaced in these settings. The conduct coerced in *FAIR* is not comparable to the artistic expression compelled in the state cases.

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[14] *Id.* at 306-07a, 320-21a.

[15] *Id.* at 315a, 434-35a.

[16] *Id.* at 315-16a, 331-34a.

[17] *Id.* at 292a.

In *FAIR*, this Court assessed the constitutionality of the Solomon Amendment and its requirement that law schools accommodate military recruiters on campus as a condition for federal funding. *FAIR*, 547 U.S. at 55. A group of law schools, who objected to military policies about homosexuals, levied a compelled speech claim, but the complained-of accommodation was "not inherently expressive" activity. *Id.* at 62, 64. Like this Court observed, "the Solomon Amendment regulates conduct, not speech." *Id.* at 60. The law schools pointed to emails and notices they supply to students about the coming of military recruiters as evidence of their speech, but these communications were viewed as "plainly incidental to the Solomon Amendment's regulation of conduct...." *Id.* at 61-62.

Compliance with the Solomon Amendment did not require the objecting law schools to craft anything demonstrating or even implying support for military policies. *Id.* at 65. They only had to supply an empty room for interviews, a far cry from the burdens imposed on the speech of creative professionals in the state decisions. *Id.* at 62-65. Creating a custom-designed wedding cake, taking and placing photographs in a picture book, and arranging unique floral designs, are all forms of pure speech.

The striking similarity in these three separate state court decisions is enough to suggest a pattern. With each court acting as though the relevant "speech" is the desire to avoid doing business with select individuals, they all ignored the existence of

the underlying art and its forced expression. These states make light of the dilemma that creative professionals face – depicting their distinct creations of art as nothing more than commercial transactions – in requiring them to speak in a way that conflicts with their consciences and strips them of their First Amendment freedoms.

Phillips, Huguenin, and Stutzman highlight the problem, as their cases are among the first to be decided. But they are not the only ones coping with this difficulty.

II. The Troubling Trend is Far-Reaching and Ominous for Creative Professionals of All Kinds

A growing number of creative professionals have suffered in the same way and in similar measure. The following are a few of their stories[18]:

The Larsens

Carl and Angel Larsen are Christians who put Jesus Christ at the center of every part of their lives.[19] Nowhere is their faith more evident than in their conviction about marriage. They labor to

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[18] "A story is a way to say something that cannot be said any other way." Flannery O'Connor, Mystery and Manners: Occasional Prose (Sally Fitzgerald et al. eds., 1969).

[19] Verified Compl., ¶¶ 72-74, *Telescope Media Group v. Lindsey*, No. 16-cv-04094 (D. Minn. filed December 6, 2016), ECF No. 1.

strengthen marriages, counseling other couples, while working on their own.[20]

It is unsurprising then that the Larsens are uneasy about the status of marriage in the culture today.[21] They feel religiously and morally compelled to advocate a view of marriage they deem scripture to teach.[22] As owners of Telescope Media Group, a video and film production company, the Larsens believe they have a unique chance to counter the cultural narrative and affirm the value of marriage between one man and one woman.[23] Their company exists to craft stories of real people – through cinematography – that honors Jesus Christ and extols the virtues of traditional marriage.[24]

Enter Minnesota officials, who, in applying state law, have publically vowed to seek out and punish creative professionals who decline to promote same-sex marriage.[25] According to the state, if the Larsens make a film about any traditional marriage, they are obliged to make films celebrating same-sex marriages, or elsewise, face civil fines, treble damages, punitive damages up to $25,000 per year, and up to 90 days in jail.[26]

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[20] *Id.* at ¶¶ 120-21.
[21] *Id.* at ¶¶ 113-16.
[22] *Id.* at ¶¶ 122, 237-40.
[23] *Id.* at ¶¶ 79, 122-25.
[24] *Id.* at ¶¶ 83, 87-88, 93, 125.
[25] *Id.* at ¶¶ 42-50, 60-65.
[26] *Id.* at ¶¶ 10-14, 157, 161-63.

Fearing these sanctions, the Larsens are not free to produce pro-traditional marriage films because they cannot – in good conscience – make the pro-same-sex marriage films that Minnesota expects them to create.[27] To gain back their freedoms, the Larsens have recently filed suit. But until this issue is definitively and favorably resolved, their message supporting traditional marriage – as communicated through film – is stymied.

Lorie Smith

Lorie Smith is a professional graphic designer, website designer, and marketing specialist living in Colorado.[28] Smith is also a Christian.[29] Seeking greater creative freedom to integrate her religious beliefs into her calling, she stopped working for others and launched her own business, 303 Creative, LLC, of which, she is the sole owner and only employee.[30] Through this outlet, Smith personally designs every website and graphic for her clients, wherein she exercises her artistic talents and discretion to convey specific messages agreeable to both her clients and her.[31]

As a matter of personal conviction, Smith strongly affirms marriage as a union between one man and one woman, and she wants to communicate

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[27] *Id.* at ¶¶ 157, 161-64.

[28] Verified Compl., ¶¶ 91, 101-02, *303 Creative, LLC v. Elenis*, No. 16-cv-02372 (D. Colo. filed September 20, 2016), ECF No. 1.

[29] *Id.* at ¶¶ 91-92.

[30] *Id.* at ¶¶ 103-06.

[31] *Id.* at ¶¶ 106, 110, 121.

this viewpoint on custom-wedding websites celebrating marriages.[32]

However, Colorado requires Smith abandon her views and speak contrary to them. Colorado's Anti-Discrimination Act (CADA) – the same act threatening Jack Phillips – commands Smith design websites promoting same-sex weddings as long as she works on other weddings.[33] The law also makes the recitation of her religious beliefs on her own business website a crime due to the viewpoint displayed.[34] CADA basically gives Smith two options: promote same-sex marriage or remain silent, a Hobson's (false) choice.[35] Any attempt by Smith to exclusively promote traditional marriage causes her to suffer fines, intrusive investigations, and Orwellian re-education in Colorado's ideological orthodoxy.[36]

Knowing how Colorado officials have enforced CADA in this fashion against Phillips, Smith has little doubt of CADA's application to her, hearing Colorado's intolerance for her viewpoint on marriage loud and clear.[37] Distressed by this reality, Smith has filed a lawsuit in federal court to secure her First Amendment right to exclusively promote viewpoints harmonious with her own, and not those of Colorado. But unless and until she secures

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[32] *Id.* at ¶¶ 139, 141-46.
[33] *Id.* at ¶¶ 10-11, 36, 55.
[34] *Id.* at ¶¶ 7-9, 32, 57.
[35] *Id.* at ¶¶ 177-79.
[36] *Id.* at ¶¶ 13, 239.
[37] *Id.* at ¶¶ 61-72, 86-90.

tangible relief, CADA will continue to preclude her speech.[38]

Joanna Duka & Breanna Koski

After meeting at a bible study and discovering their mutual interests, Christians Joanna Duka and Breanna Koski initiated a journey together that would eventually lead to a partnership and joint venture in creating and selling art under the banner of Brush & Nib Studio.[39] Neither had run a business before, but they had a shared vision for using God-given talents in calligraphy and hand-painting to create custom artwork – via invitations, paintings, and other types of artwork – for weddings and other special events.[40]

When Duka and Koski paint and draw in their collaborative enterprise, they generate art to commend the event they are creating it for.[41] They

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[38] Recognizing Jack Phillips' claim is pending before this Court, and its connection with Smith's claim, the district court recently decided to hold off on ruling until this Court does. Order Granting in Part and Denying in Part Motion to Dismiss and Denying Motion for Preliminary Injunction and Motion for Summary Judgment with Leave to Renew (D. Colo. September 1, 2017; ECF No. 52).

[39] Second Am. Verified Compl., ¶¶ 10-15, *Brush & Nib Studio, LC v. City of Phoenix*, No. CV2016-052251 (Super. Ct. Ariz. Filed September 1, 2016), *available at* ttps://adflegal.blob.core.windows.net/web-content-dev/docs/default-source/documents/case- documents/brush-nib-studio-v.-city-of-phoenix/second-amended-verified-complaint.pdf?sfvrsn=1.

[40] *Id.* at ¶¶ 11, 16, 26.

[41] *Id.* at ¶ 20.

consult with their clients on colors, tone, and style, and learn more about the purpose of the get-together, to ensure their art complements the affair.[42] And then, utilizing their best artistic judgment, Duka and Koski create a one-of-a-kind piece of art commemorating the special occasion.[43]

These earnest efforts of Duka and Koski, in creating unique artwork, are necessarily informed by scripture and its teachings on marriage.[44] Specifically, for weddings invitations, they frequently insert motifs of elegance and beauty reflecting their understanding of marriage.[45] They firmly believe the meaning and purpose of marriage is derived from its biblical roots and ordination as a one man/one woman union.[46] They are thus guided – and often reproduce – bible verses in their wedding art, like that found in Mark 10:8-9[47], reflecting the complimentary union of both sexes. Much like innumerable commissioned painters of the past, their religious beliefs inspire their artwork.

But Duka's and Koski's beliefs about marriage have caused them to run afoul of a Phoenix law requiring they endorse a contrary, city-approved view of marriage, one divorced from what they

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[42] *Id.* at ¶¶ 19-23, 32-39.
[43] *Id.* at ¶¶ 21, 23-25, 39-44.
[44] *Id.* at ¶¶ 59-60, 67-69.
[45] *Id.* at ¶¶ 61-63, 67, 128.
[46] *Id.* at ¶¶ 67, 150.
[47] "The two shall become one flesh. So they are no longer two but one flesh. What therefore God has joined together, let not man separate." (ESV).

associate with marriage's meaning.[48] The law even prohibits them from publically announcing their support for traditional marriage.[49]

Should Duka and Koski refuse to originate artwork literally painting same-sex marriage in the same positive light as opposite-sex marriage, they will each be fined up to $2,500 and spend up to six months in jail, for every day they are out of compliance with the law.[50] Left with no other reasonable choice, Duka and Koski filed a lawsuit to enjoin the law, and after a trial court held their art does not convey speech, have further pursued their rights on appeal.

Similar to other American artists, Duka and Koski should be able to create art consistent with their own beliefs, not just those approved by the government. They have the right to decide for themselves what ideas are worth promoting – for beauty lies in the eyes of the beholder.

Blaine Adamson

Blaine Adamson is the managing owner of Hands-On Originals, a Christian-owned printing company located in Lexington, Kentucky.[51] In

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[48] Second Am. Verified Compl., ¶¶ 99-100, 111, *Brush & Nib Studio, LC*, No. CV2016-052251.

[49] *Id.* at ¶ 103.

[50] *Id.* at ¶ 109.

[51] Aff. of Blaine Adamson, ¶¶ 2-3, 15, *Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals, Inc.*, HRC No. 03-12-3135, (Apr. 9, 2014), *available at* https://adflegal.blob.core.windows.net/web-content-

addition to printing words on shirts and other promotional materials, Adamson's work gives him opportunity to use his creativity and talent to portray messages in a powerfully artistic way.[52] He loves his work and takes much pride in making products he considers memorable and high-quality art.[53]

As a Christian, Adamson wants his printings, as well as everything else he does in life, to glorify God.[54] To that end, he is convicted that God holds him accountable for the things he prints, precluding him from printing every message his clients request of him.[55] While he is willing to work with anyone, regardless of who they are or what they believe, Adamson has declined to print objectionable messages, like, for example, one portraying violence, and another one promoting a strip club.[56] He has referred such jobs to another capable printer.[57]

In March of 2012, the Gay and Lesbian Services Organization ("GLSO") asked Adamson to print shirts promoting an upcoming pride festival.[58] Blaine was willing to work with the group, but declined this job, because he could not actively

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dev/docs/default-source/documents/case-documents/baker-v.-hands-on-originals/affidavit-in-support-of-summary-judgment.pdf?sfvrsn=6.

[52] *Id.* at ¶¶ 6-11.

[53] *Id.* at ¶ 19.

[54] *Id.* at ¶¶ 15-18.

[55] *Id.* at ¶¶ 26-27.

[56] *Id.* at ¶¶ 30, 49-50.

[57] *Id.* at ¶ 33.

[58] *Id.* at ¶¶ 34, 38, 43-44.

participate in spreading that specific message.[59] Though Adamson offered to set GLSO up with another printer for the same price, they were dissatisfied, and filed a complaint against Adamson with the county Human Rights Commission, alleging discrimination on sexual orientation.[60] In reviewing the matter, the Commission found Adamson guilty and ordered him to print the message on shirts for GLSO against his will.[61]

Adamson appealed this decision, and so far, the state courts have viewed the matter differently, holding he did not discriminate on the basis of status in declining to take the job, but exercised his constitutionally-protected right to not say that which he does not want to say. *Lexington Fayette Urban Cty. Human Rights Comm'n v. Hands on Originals, Inc.*, No. 2015-CA-000745-MR, 2017 WL 2211381, at *6-7 (Ky. Ct. App. May 12, 2017). Consequently, Adamson is presently free to promote messages in his business without risk of betraying his conscience. But the case is still pending, and an unfavorable decision in the state supreme court – like the rulings in sister states – will cause serious harm to Adamson, forcing him to create and publish messages he finds intolerable.

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[59] *Id.* at ¶¶ 43, 45.

[60] *Id.* at ¶ 47.

[61] *Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals, Inc.*, HRC No. 03-12-3135, at 16 (Oct. 6, 2014), *available* at https://adflegal.blob.core.windows.net/web-content-dev/docs/default-source/documents/case-documents/baker-v.-hands-on-originals/hands-on-originals-v-lexington-fayette-urban-county-human-rights-commission---hearing-examiner-s-recommended-ruling.pdf?sfvrsn=14.

Melissa Klein

Melissa Klein is a devout Christian who lives in Oregon with her husband and their five children.[62] She has a heart, as well as a talent, for designing cakes.[63] Much like Phillips, Klein's toil in making and decorating cakes is an artistic undertaking.[64] Klein is likewise a cake artist. She pours herself into her cakes, creating unique custom designs of edible art.[65] And for every cake she makes, Klein dispatches a message promoting and celebrating the event for which the cake is made.[66]

In 2007, Klein realized her dream of opening a family bakery she named "Sweet Cakes by Melissa".[67] She was pleased to serve anyone, regardless of status or beliefs.[68] But she was necessarily constrained by her religious beliefs, dictating what messages she could portray and celebrate through her cake designs.[69] For this reason, she would not design a cake celebrating a divorce, or one with profanity.[70]

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[62] Excerpts of Record to Pet'r's Opening Brief, 373, ¶ 2, *Klein v. Or. Bureau of Labor and Indus.*, CA A159899 (Or. Ct. App. Apr. 25, 2016), *available at* https://firstliberty.org/wp-content/uploads/2017/02/SM16-04-25-Klein-Opening-brief-and-ER-FILE-STAMPED-COPY.pdf.

[63] *Id.* at 375-76, ¶¶ 5-6.

[64] *Id.* at 374-76, ¶¶ 3, 6.

[65] *Id.* at 375-76, ¶¶ 5-6.

[66] *Id.* at 376, ¶ 6.

[67] *Id.* at 373, ¶ 1.

[68] *Id.* at 376-77, ¶ 7.

[69] *Id.* at 373-76, ¶ 2, 4, 6.

[70] *Id.* at 376, ¶ 6.

Klein hoped her business would grow and prosper, and that she would someday pass it down to her children. But that dream is now in peril.

In early 2013, a returning customer, for whom Klein had previously designed and sold a wedding cake, requested Sweet Cakes design a cake for a same-sex wedding.[71] Her husband (Aaron) explained that they could not do so because the requested artistry would violate their faith in promoting same-sex marriage through a wedding cake.[72]

Days later, the bride-to-be filed a complaint with the state's Bureau of Labor and Industries (BOLI) alleging that the Kleins committed sexual orientation discrimination. BOLI eventually found the Kleins guilty, assessing a fine of $135,000 and a gag order prohibiting them from discussing their desire to run their business according to their faith.[73]

Though fighting this decision, Klein was forced to close down Sweet Cakes by Melissa.[74] She still maintains hope of re-opening the bakery one day, but knows she cannot currently operate in Oregon without the risk of losing it all again. She has appealed BOLI's decision to Oregon's state courts and awaits decision. In the meanwhile, for Klein to get back in the wedding-cake business, she

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[71] *Id.* at 368-69, ¶¶ 7-8.
[72] *Id.* at 369, ¶ 8.
[73] *Id.* at 46-47.
[74] *Id.* at 377, ¶ 9.

must use her art to communicate messages she finds objectionable.

The State of Oregon demands that cake artists – and other creative professionals – promote same-sex marriage through their artworks, in violation of their First Amendment rights. And this violation will persist unless the Oregon appellate court bucks the current trend.

Amy Lawson

Amy Lawson is a 25 year-old Christian and a self-employed photographer, presently working out of her home.[75] Ever since her mother gave her a scrapbooking kit when she was 13, Lawson has actively pursued her passion for sharing stories through photographs.[76] Lawson does not just aim her camera and shoot – she exercises artistic judgment in taking, selecting, editing, and arranging her photos, and authoring commentary, celebrating her clients' stories.[77] She also posts pictures on her blog as part of the artistic services she offers clients.[78] As Lawson puts it, the purpose of her business is to "capture and convey beautiful, pure,

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[75] Verified Compl., ¶¶ 24, 29-30, 54, *Amy Lynn Photography Studio, LLC v. City of Madison*, No. 2017-CV-000555 (Wis. Cir. Ct. Mar. 7, 2017), *available at* https://adflegal.blob.core.windows.net/web-content-dev/docs/default-source/documents/case-documents/amy-lynn-photography-studio-v.-city-of-madison/amy-lynn-photography-studio-v-city-of-madison---complaint.pdf?sfvrsn=4.

[76] *Id.* at ¶¶ 32-36.

[77] *Id.* at ¶¶ 31, 56, 58-59.

[78] *Id.* at ¶ 57.

and true moments in ways that help us stop, see, and savor the light God has given us."[79]

Lawson's religious beliefs permeate every fiber of her being – including her creative side.[80] Adhering to her firm conviction that marriage is a God-honoring covenant, she strives to capture priceless moments of the traditional wedding on film, telling the couple's story.[81] In a similar way, her beliefs about life inspire her to photograph and champion the life-saving work of pro-life pregnancy clinics and the people who work there.[82] Though Lawson willingly creates art for any customer, regardless of identity or status, she is disinclined to advance causes or express messages contrary to her own values, either through photography or website communications.[83]

But for the city in which Lawson resides, therein lies the problem. The City of Madison construes its public accommodation laws to require her to photograph and promote through social media same-sex weddings and pro-abortion groups – just as she does for the causes she supports.[84] Those who refuse to comply with these laws are subject to fines up to $10,000, loss of business license, and the

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[79] *Id.* at ¶ 83.
[80] *Id.* at ¶¶ 28-29, 69-72.
[81] *Id.* at ¶¶ 203, 205-06, 208.
[82] *Id.* at ¶¶ 210-15.
[83] *Id.* at ¶¶ 220-22, 228-29.
[84] *Id.* at ¶¶ 286-94, 326-31.

payment of an unlimited amount of civil damages and attorney's fees.[85]

For the time being, Lawson is shielded from this harsh punishment. A lower state court recently confirmed the public accommodation law does not apply to those running a business without a store front.[86] But should Lawson's business expand and prompt a move into commercial space, all bets are off. The threat to her artistic freedom looms large, dissuading her from making a more formal entry into the commercial marketplace.

As with other creative professionals, Lawson ought not to face punishment just because she wants to promote ideas and events consistent with her own views. If the First Amendment means anything, it is that government bureaucrats cannot dictate the religious and political causes a citizen can advance.

III. Artistic Expression Ought to be Protected and Cannot be Rightly Compelled by the State

Artistic expression – regardless of the medium employed – finds full protection under the First Amendment. *See Hurley v. Irish-Am. Gay, Lesbian*

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[85] *Id.* at ¶¶ 281-82, 284-85, 319, 322-25.

[86] Hearing Transcript, *Amy Lynn Photography Studio, LLC v. City of Madison*, No. 2017-CV-000555 (Wis. Cir. Ct. Aug. 3, 2017), *available at* https://adflegal.blob.core.windows.net/web-content-dev/docs/default-source/documents/case-documents/amy-lynn-photography-studio-v.-city-of-madison/amy-lynn-photography-studio-v-city-of-madison---hearing-transcript-(2017-08-01).pdf?sfvrsn=4.

& Bisexual Grp. of Boston, 515 U.S. 557, 569 (1995) (holding paintings, music, and poetry "unquestionably shielded" by the First Amendment, even when message is abstract and elusive); *Kaplan v. California*, 413 U.S. 115, 119–20 (1973) (concluding pictures, films, paintings, drawings and engravings receive same First Amendment standards as oral and written words); *Anderson v. City of Hermosa Beach*, 621 F.3d 1051, 1060-62 (9th Cir. 2010) (finding the art of tattooing protected); *ETW Corp. v. Jireh Pub., Inc.*, 332 F.3d 915, 924 (6th Cir. 2003) ("The protection of the First Amendment...[covers] music, pictures, films, photographs, paintings, drawings, engravings, prints, and sculptures"); *Bery v. City of New York*, 97 F.3d 689, 695 (2d Cir. 1996) ("Visual art is as wide ranging in its depiction of ideas, concepts, and emotions as any...writing, and is similarly entitled to full First Amendment protection."). This notion is hardly surprising; artistic expression can "affect public attitudes and behavior in a variety of ways, ranging from direct espousal of a political or social doctrine to the subtle shaping of thought." *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 501 (1952).

That the art is sold neither transforms it into mere commercial peddling nor lessens the degree of constitutional covering. *City of Lakewood v. Plain Dealer Publ'g. Co.*, 486 U.S. 750, 756 n. 5 (1988). "It is well settled that a speaker's rights are not lost merely because compensation is received; a speaker is no less a speaker because he or she is paid to speak." *Riley v. Nat'l Fed'n of the Blind of N.C., Inc.*, 487 U.S. 781, 801 (1988). In fact, marketing and

sale of art is itself part of the message, and qualifies as protected speech. *Bery*, 97 F.3d at 695-96.

Given the protection afforded artistic expression, creative professionals suffer a direct infringement on their fundamental rights when the government compels them to create art promoting a particular viewpoint or message. As illustrated by the stories herein of people actually affected, the coercion can be palpable: if creative professionals in the wedding industry decline to promote same-sex marriage through their art, they face crippling fines, loss of business, government re-education, and even jail time. It is difficult to imagine a more onerous and effectual compulsion to speak.

The apparent end-game of this compulsion is to make artists advance a political perspective sanctioned by the State, sacrificing free speech as a necessary evil for accomplishing this goal. But no matter how laudable the purpose, this cost is too high.[87] No citizen should bear this weight for a

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[87] Ryan Bomberger, graphic designer, author, editor, co-creator of Radiance Foundation, and one of the *amici* to this brief, expounds on the cost creative professionals suffer, and not surprisingly, he does so in a creative way, producing a YouTube video laying out his thoughts. Looking straight into the camera, Ryan explains: "I think every creative professional, every creative, every want-a-be creative, ought to be concerned when the government steps in and says, you know what, I know that you're artistic and everything, but here, this is how you can do this, this is how you can paint this, this is how you can sing this. Who wants that? ... I don't want the government to tell me how to create because the moment that there is this kind of control, there is no longer artistic freedom, and then there is no longer art.... As a creative, I want to be free to

perceived societal gain. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). "At the heart of the First Amendment lies the principle that each person should decide for himself or herself the ideas and beliefs deserving of expression[.]" *Agency for Int'l Dev. v. Alliance for Open Soc'y Int'l, Inc.*, 133 S.Ct. 2321, 2327 (2013) (quotation marks omitted). It is for this reason that the First Amendment Free Speech Clause "includes both the right to speak freely and the right to refrain from speaking." *Wooley v. Maynard*, 430 U.S. 705, 714 (1977). This "right to refrain from speaking" is a "component[ ] of the broader concept of individual freedom of mind." *Id.* The principle guarantees the government will not require its citizens "utter what is not in [their] mind[s]," *Barnette*, 319 U.S. at 634, or express messages that "'reason' tells them should not be [said]." *Miami Herald Publ'g Co. v. Tornillo*, 418 U.S. 241, 256 (1974).

The compelled speech doctrine is designed to protect individual autonomy and dignity, safeguarding "individual freedom of mind" and "sphere of intellect and spirit." *Barnette*, 319 U.S. 624, 637, 642 (1943). The State lacerates this sphere

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create what I'm passionate about and I don't want anybody taking that away from me." *Free Speech Should be a Piece of Coke*, YouTube (Aug. 28, 2017), https://www.youtube.com/watch?v=wSiF_AnfBKQ.

when it compels a person to speak unwillingly, regardless of the message, the medium, or the motive for the objection. *See Hurley*, 515 U.S. at 573 (government "may not compel affirmance of a belief with which the speaker disagrees"). In compelling creative professionals to create art promoting a message they would not say otherwise, the government deprives them of dignity and autonomy, treating them like puppets that perform solely for the government's pleasure. *See* Steven H. Shiffrin, Freedom of Speech and Two Types of Autonomy, 27 CONST. COMMENT. 337, 344 (2011) (opining "there is something deeply wrong with forcing someone like the school child in *Barnette* or the driver in *Wooley* to be a forced courier of, or megaphone for, a government message...[because it] simply does not appropriately respect the speaker's human dignity").

This encroachment affects much more and greater than commercial enterprise. Jack Phillips, other creatives specified in this brief, the *amici* listed, along with enumerable creative professionals who are not named, are more than willing to sell products and provide services without regard for sexual orientation or other status. Rather, the harm inflicted on vulnerable creative professionals is forcing them to promote causes they do not support as an unwilling mouthpiece of the State. *See R.J. Reynolds Tobacco Co. v. FDA*, 845 F.Supp.2d 266, 272 (D.D.C. 2012) aff'd, 696 F.3d 1205 (D.C. Cir. 2012) (identifying harm as government forcing others to "serve as its unwilling mouthpiece").

Such creatives, like the rest of us, tend to have varying opinions on the issues of the day,[88] but some undoubtedly hold "decent and honorable religious or philosophical" beliefs that same-sex marriage is wrong, *Obergefell*, 135 S.Ct. at 2602, and on that basis do not want to fashion and promote a message that same-sex marriage is right. They need not elaborate on or justify this position because they have a First Amendment freedom to avoid speaking against it. *See Riley*, 487 U.S. at 796-97 (noting there is no "constitutional significance" between compelled speech and compelled silence). The First Amendment protects "the right to refrain from speaking at all." *Wooley*, 430 U.S. at 714. Not even agreeable speech can be compelled; if the speaker would not make the statement without compulsion, the compulsion is improper. *Riley*, 487 U.S. at 795; *see also United Foods, Inc.*, 533 U.S. at 411 (preventing government from compelling mushroom company to speak message that "mushrooms are worth consuming," even if company's disagreement with message was "minor"); *Hurley*, 515 U.S. at 573 (describing First Amendment as protecting person from any speech he "would rather avoid.").

The First Amendment concerns shared by Jack Phillips and other creative professionals are essentially the same as those analyzed in *Hurley*, precedent this Court should find controlling. In

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[88] This is certainly true of the *amici* submitting this brief. They do not all agree on the same-sex marriage issue. Some oppose the arrangement while others support it. But they all agree the government should not impose its stance on this or any other matter on creative professionals.

Hurley, this Court recognized that non-discrimination laws offer no basis for making speakers speak. 515 U.S. at 573, 581. So disposed, this Court held the government could not invoke the law to force a private parade organizer to include a group advocating LGBT ideals because the inclusion constituted compelled speech. *Id.* at 569-570, 578. This Court rejected the argument that the parade itself was a mere conduit for speech, deciding instead that it was a message protected by the First Amendment and ought to be free of compulsion. *Id.* at 575-77.

Like the parade organizers in *Hurley*, creative professionals are "more than a passive receptacle or conduit" for the artistic expression of viewpoints, even when they communicate their views through a commercial transaction. *Id.* at 575. They cannot be relegated as simple proprietors trying to make a buck. These creatives are speakers in their own right, arranging flowers, taking photographs, producing films, designing websites, painting, and designing cakes, in ways that promote conspicuous messages that they wish to express. Regardless of the reasons behind a creative professional's artwork, "it boils down to the choice of a speaker not to propound a particular point of view, and that choice is presumed to lie beyond the government's power to control." *Id.* at 575. Hence, government entities are not free to employ non-discrimination and public accommodation laws as a means to compel creative professionals to "modify the content of their expression to whatever extent beneficiaries of the law choose to alter it with messages of their own."

Id. at 578. Such use "to produce thoughts and statements acceptable to some groups or, indeed, all people, grates on the First Amendment, for it amounts to nothing less than a proposal to limit speech in the service of orthodox expression." *Id.* at 579.

The fundamental principle behind expressive freedom is too precious to forsake for political expedience. While societal winds are susceptible to shifts, the First Amendment is supposed to be the constant. It should protect those who decline to promote same-sex marriage, along with those who want to promote same-sex marriage.[89] Indeed, this historically-based freedom is (or, at least, should be) for everyone, regardless of viewpoint.[90] Just

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[89] Illustrative of this perspective, Kathy Trautvetter and Diane DiGeloromo, a lesbian couple who co-own BMP T-shirts, a printing company in New Jersey, stated they would be "very angry" if forced to provide services for Westboro Baptist Church to help facilitate their anti-gay rhetoric. Much like the other creative professionals mentioned herein, they loath "to do something against what they believe in." Billy Hallowell, *T-Shirt Maker Who Refused to Print Gay Pride Shirts Is Being Punished — but These Lesbian Business Owners Reveal Why They're Supporting Him*, THE BLAZE (Nov. 7, 2014, 12:05 PM), http://www.theblaze.com/news/2014/11/07/lesbian-business-owners-tell-glenn-beck-why-they-support-the-t-shirt-maker-whos-now-being-punished-for-refusing-to-print-gay-pride-shirts/.

[90] This protection is largely taken for granted in other situations. Renowned fashion designer Sophie Theallet, who regularly dressed Michelle Obama during her time as First Lady, publically refused to do the same for Melania Trump, claiming her designs are "an expression of [her] artistic and philosophical ideas." Rosemary Feitelberg, *Sophie Theallet vows not to dress Melania Trump, asks other designers to do the*

consider the impact of this compulsion in other conceivable contexts. Should an African-American supporter of "Black Lives Matter" be required to make and design a cake for a white nationalist function? Must a graphic designer who supports gun control create advocacy literature for the National Rifle Association? Is an atheist photographer obliged to take and publish pictures of a Christian baptism? Answers to these questions should not lie with the ideology of the bureaucrats involved, or the latest popularity polls, but with a grounded understanding of the Free Speech Clause. And this understanding does not compel citizens to utter messages – through art of their own making – that betrays their values, wills, and consciences, as well as their tongues.

CONCLUSION

As with virtually every other petitioner that comes before this Court, Jack Phillips of Masterpiece Cakeshop represents more than himself and his own dilemma in this cause. He is a proxy for others,

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same, L.A. TIMES (Nov. 17, 2016, 3:25 PM), http://www.latimes.com/fashion/la-ig-wwd-sophie-theallet-melania-trump-20161117-story.html. A business owner in New Mexico openly declared that he would never provide services to Republicans or other supporters of President Trump because "he has a moral obligation to stand up for what he believes is right." *Business owner refusing service to Trump supporters*, KOB1(Nov.23,2016,07:26AM), http://www.kob.com/albuquerque-news/business-owner-refusing-service-president-elect-donald-trump-supporters-matthew-blanchfield-1st-in-seo-internet-marketing-company/4325531/. A ruling adverse to Jack Phillips would put this presumed protection in jeopardy.

including the *amici curiae* submitting this brief, all of whom have vested interest in the outcome.

For the reasons espoused in this brief, as well as those specified in the brief filed by petitioner, *amici* ask this Court to reverse the decision below and restore the First Amendment freedoms of creative professionals. No artist should ever be forced to express beliefs he does not believe in, especially, through his own art, "for to go against conscience is neither right nor safe."[91]

Respectfully Submitted,

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[91] Martin Luther, Address at the Diet of Worms 1521 (April 18, 1521). It is apropos we recall this admonition as we approach the 500th year anniversary of Martin Luther's public announcing of 95 theses.

APPENDIX

APPENDIX

List of *Amici* (organized by state of residence):

Alaska

Roland Tresham, Cake Designer
Lonny Cruff, Photographer
Mike Rostad, Journalist
Scott Rees, Graphic Designer
Neal Olson, Painter
Ronald Kruckenberg, Painter
Catherine Kershner, Floral Grower and Florist
Pamela Myers-Lewis, Editor

Alabama

James Nyberg, Author
Larry Percy, Ceramic Artist
Keith Peevy, Author
Larry Clayton, Writer
Brian Green, Artist
David Sloan, Author, Editor
Ryan Johnson, Website Creator, Graphic Designer
Matt Owens, Graphic Designer
Jeff Barganier, Writer

Arkansas

Allen Merritt, Writer
Sean Ward, Photographer
Steven Barker, Graphic Designer
David Pryor, Graphic Designer
Gloria Massey, Musician, Educator
Ramona Justice, Baker Manager, Cake Designer

Arizona

Andi Davis, Artist
Larry Sparks, Author, Writer
Parker Jones, Graphic Designer, Photographer
Brooklyn Peterson, Musician
Ava Gallego, Musician
Jacob Pawson, Graphic Designer
Bryce Bennett, Photographer, Graphic Designer
Janice Hernandez, Visual Artist, Painter, Singer, Songwriter
Matthew Lowery, Screenwriter
Chris Magee-Lee, Event Planner
Pat Goltz, Photographer, Digital Artist
Ryan Heeney, Musician
Gary Fortney, Jewelry Designer
Katjriana Marker, Graphic Designer
Kathleen Redman, Graphic Artist
Robert Moffitt, Author
Lori Mcconchie, Author
Chuck Bolte, Voice Over Actor
Nicholas Walter, Writer, Student
Elizabeth Bertram, Writer
Amanda Missildine, Blogger
Derek Natzke, Dj
Natalie Tansill, Photographer
Ryan O'connell, Filmmaker
Johanna Chumley, Artist
Steve Whaley, Woodworker
Bruce Ellefson, Designer, Photographer
Yara Khalaf, Photographer
Jennifer Rush, Writer, Editor
Gretchen Lopez, Artist, Art Teacher
Keota Kinney, Watercolor Artist
Elizabeth Free, Painter

Kacey Pearson, Photographer
Mick Mcginty, Commercial Artist, Illustrator
Ashley Pagel, Owner, Digital Media Company
Samuel Pagel, Film Producer
Barb Pagel, Author
Ellen Heeney, Author
Kerry Mcginty, Author
Franklin Santagate, Marketer

California

Frank Euphrat, Photographer
Jeff Vaughan, Printer
Kathleen Connelly, Creative Director, Graphic Designer
Sharon Halverson, Piano Teacher
Rachel Krueger, Calligrapher, Watercolor Artist
Cindy Horst, Marketer
Alex Danielson, Musician
Ryan Moebius, Marketer
Grady W. Brown, Marketer
Adam Holman, Content Developer
Sabina I. R. Bertsche, Writer
Tamara Northway, Graphic Designer
Brennan Bittel, Marketer
David Kling, Photography
Pam Farrel, Writer
Jordan Mlynarczyk, Writer
Reuben Rodeheaver, Musician
Ronn Devincenzi, Floral Artist
Thomas Shiskovsky, Music Teacher
Malissa Mccain, Photographer
Barton Buhtz, Audio Creator, Broadcaster
Dean A. Anderson, Writer
William Mahrt, Musician

Merv Dirkse, Wood Carving
H.O. Schwede, Marketer
Ck Horness, Film Editor
Daniel Vraa, Author
Mary Kennedy, Ceramic Artist
Stefano Ashbridge, Drummer, Drum Teacher
Cindy Ahlgrim, Marketer
Arlyn Knapic, Musician
Johanna Head, Composer, Musician, Painter
John Rogers, Photographer
George Graham, Author
Gwen Mecklenburg, Writer
Kiyomi Welch, Writer
Nantale Corbett, Filmmaker
Allan Jones, Speech Writer
Ryan Mahlstedt, Musician
Martina Gregory, Musician, Seamstress
Bruce Marchiano, Actor, Filmmaker, Author

Colorado

Ewan Tallentire, Graphic Designer
Chuck Asay, Editorial Cartoonist
James Hershberger, Carpenter
Barbara Benning, Photographer
Tim Nolte, Filmmaker
James Hart, Writer
Steven Willing, Author, Blogger, Columnist
Jim Keen, Photographer
Donald Chisholm, Marketer
Josh Hood, Musician
Madonna Nuce, Greeting Card Designer
Jerry Jones, Video Producer
Mary Cummings, Photographer
Celeste Hyde, Graphic Designer

Mike Staub, Photographer

Connecticut

Steve Schneider, Event Dj
Marcia Lareau, Composer, Arranger
Dana Fripp, Performing Artist, Writer
Mark Santostefano, Photographer
Chelsey Mcneil, Musician

District of Columbia

Jennifer Bryson, Writer, Puppeteer
Paul Radich, Author, Marketer
Morgan Feddes Satre, Author, Editor
Garrett Meconchie, Producer
Janice Shaw Crouse, Speechwriter, Author

Delaware

Lonnie Daniels, Musician

Florida

Eldone Truex, Electronic Instrument Marketer
Earle Gregory, Musician
Joyce Sterner, Author, Editor
Gary Heffner, Custom Screen Print And Designer
Perry Sumner, Photographer
Deborah Marshall, Marketer
Robert M. Stuendel, Voice Over Artist
Richard Grout, Author
Patricia Henson, Cake Designer
Antonio Mariz, Singer
James Kurt, Author
Kenneth Breen, Musician

Irma Fabara, Author
N. Yonce, Musician
Terry Knighten, Painter, Sculptor
Bonnie Wilder, Retired Music Educator, Playwright, Writer
Bill Hunt, Writer, Poet
Clint Cline, Graphic Designer, Artist, Writer
Cliff Allen, Art Director
Nancy Rojas, Photographer
Beatriz Maciá, Writer, Artist
Gina Bickish, Painter
Marilyn Braswell, Floral Designer

Georgia

Mark Misenheimer, Art Director
Jon Stamberg, Marketer And Musician
Douglas Flor, Photographer
Tyler Jones, Writer
Patricia Mcmichen, Cake Baker, Designer
Rob Wheless, Photographer
Vickie Rutland, Author
Nancy Davis, Artist
J. Ivester, Graphic Artist
Darla Elam, Painter
Susan Macgregor, Illustrator, Jewelry Designer
Billy Touchberry, Photographer
Annie Kate Head, Art Teacher
Linda Edmonds, Photographer
Larry Thompson, Writer
Duane Romey, Filmmaker

Hawaii

Carol Flores, Graphic Designer

Carol Nakata, Author
Alfred Sarmento, Writer

Iowa

Marty Daggett, Dance Instructer
Barbara D. Parks, Crochet Toys, Crafts

Idaho

Gabriel Rench, Marketer

Illinois

Deborah Lyons, Musician
Joyce Ormond, Singer
John Gibbons, Writer
Richard Bersett, Author
Nancy Hall, Musician
Adam Thomas, Graphic Designer
M. Lapeyre, Musician
Paul Leganski, Photographer
Michelle Ryan, Painter
David Busscher, Recording Engineer
Christina Villa, Painter
Heather Taggart, Knitter
Bridget Brooks, Jewelry Designer
Kathryn Cullom, Piano Teacher
Elise Mcintyre, Art Director

Indiana

Bethany Lange, Musician, Author, Editor
Valetta Crumley, Author
Robert Sterner, Author
David Greiner, Author

Jewel Farnsworth, Artist, Painter
Dennis Nichols, Actor
Wenda Clement, Author
Jeremy Lung, Woodworker
Sharon Hinchman, Needlework
Elizabeth Parvu, Cake Designer
M. Brenn, Landscape Designer
Mary Tuthill, Graphic Designer
Larry Leffew, Fine Art Painter
Marie Heimann, Painter

Kansas

Kathryn Roberts, Event Planner
James Brackett, Writer, Speaker
Don Shikles, Artist
Philip Meintjes, Sculptor
Annette Daniel, Graphic Designer, Painter, Author, Filmmaker
Duane Needham, Graphic Designer
Hannah Smith, Artist
Gretchen Soetebier, Master Cake Decorator
Kerry Broadley, Musician
Bradley Burrow, Filmmaker

Kentucky

Lee Frisco, Wedding Consultant, Event Planner
Todd Iddings, Publisher
Jennifer Pendleton, Graphic Designer
Jamie Beckett, Graphic Designer
Steven Brenner, Printer
Pennie Patton, Cake Designer
John Scherer, Photographer
Joni Conner, Paper Crafter

Anne Yeiser, Graphic Designer
Amy Bevars, Printer
William Budai, Musician
Dala Utley, Floral Artist, Glass Artist
Chris Geddie, Jewlery Designer, Potter, Painter, Graphic Designer
Barry Fowler, Photographer
Rosalee Anderson, Calligrapher
Michele Mayes, Photographer
Gabe Gibitz, Musician, Songwriter, Designer, Marketer
Mark Kidd, Photographer
Mark Howard, Author

Louisiana

Caroleina Munoz, Ceramics
Tara Baudoin, Graphic Designer, Marketer
Mary Orillion, Artist
James Louviere, Video Filmmaker

Massachusetts

Arthur Spear, Web Designer
Leo Martin, Author, Public Speaker
Arne Martinson, Photographer
Rock Nemeth, Photographer
George Bailey, Printer
Seth Henderson, Graphic Designer
Eileen Riestra, Graphic Designer
Michael Flaherty, Co-Founder & President Of Walden Media, Author

Maryland

Eileen Clements, Art Teacher
Deb Short, Artist, Writer
Adam Price, Web Developer
B. James Everett, Painter
Robert Nelson, Newsletter Editor
Judith Kampia, Writer, Organist, Pianist

Maine

Theresa Klett, Artist
James Sakofsky, President of Creative School
Emily Goepel, Poet

Michigan

Kelly Boggus, Choreographer
Robert Bromley, Phd, Cpa, Author, Professor
Megan Laesch, Video Game Graphic Designer
Trevor Mccready, Media Designer
Jacquelyn Craighead, Poet, Actress
Scott Tiedgen, Designer, Artist
Marilyn O'brien, Editor
Alice Rainville, Author
Bruce Van Antwerp, Author, Poet
Francene Sanak, Musician
John Depasquale, Songwriter
Robert Micander, Carver

Minnesota

Richard Greig, Author
Linda Freeman, Poet, Author, Painter
Marjorie Heide, Writer
Jep Fator, Singer, Musician

Lisa Kempston, Graphic Designer

Missouri

Tony Fajkus, Photographer, Musician
Vanessa Hereth, Professional Face And Body Painter
Maurice Prater, Author, Editor
Ray Massey, Woodworker
Dawn Hobbs, Corporate Communications
Sandra Mcgee, Watercolor Artist, Cake Decorator
Jana Marler, Photographer

Mississippi

John Reaux, Cake Maker, Artist

Montana

Trudy Wang, Musician, Writer
Bill Latrace, Speaker
Robyn Feddes, Baker
Amel Mceuen, Photographer, Party Decorator, Cake Decorator

North Carolina

Kent Thompson, Musician
Adam Tucker, Graphic Designer
David Warren, Drummer
Charles Walkup Jr, Retired Music Teacher
Jeanine Huggins, Dress Maker
Kyle Myers, Graphic Designer
James Quick, Marketer
Michael Brown, Author, Speaker, Media Presenter

North Dakota

Kim Koppelman, CEO/President, Communications, Advertising, Marketing & Public Relations Firm

Nebraska

Diane Farris, Photographer
Le Ross, Graphic Artist
Dawne Leasure, Papercrafter, Photographer
Jaclyn Nelson, Floral Artist
John Ringsmuth, Inventor
Brenda Nelson, Graphic Designer
Paul Hopgood, Graphic Designer
Joan Walsh, Author
Nancy Brown, Painter
Noreen Christon, Sculptor
Joni Rosenthal, Wildlife Artist
Shelley Novosad, Graphic Designer
Jeff Beckenbach, Graphic Designer
Michele Byrnes, Graphic Designer
Becky Uehling, Publisher
Nate Grasz, Author
Julaine Christensen, Writer

New Hampshire

Katherine Bosch, Milliner
Janet Tuttle, Sign Designer

New Jersey

Frank Esposito, Painter

New Mexico

Rosetta Salcido, Cake Desiger
Larry Cdebaca, Photographer
Dawn Mckenzie, Writer
Rebekah Stevens, Communications Consultant, Writer
Carlos Galvez, Graphic Designer

Nevada

Pamela Poston, Author, Editor
Walter Poston, Author
Victor Bitar, Author
Peter Davis, Photographer
Aimee Walker, Writer

New York

Nancy Tomaso, Author
Tim Danielson, Marketer
Barbara Drogo, Graphic Designer
Joe Testa, Photographer, Promoter
Gregory Finch, Photographer
Daniel Macaulay, Musician
Anne Fone, Writer
Sean Deming, Graphic Artist
Evan Spence, Film Editor
Barbara Savage, Aartist, Designer, Song Writer, Musician

Ohio

Hannah Pickrell, Actress, Student
Kathryn Macclennan, Artist, Musician
Robert Macclennan, Author

Jeffrey Garoutte, Graphic Designer
Patricia Gstalder, Oil Painting Teacher
Mark Graalman, Musician
Irwin C. Gemlich, Author
Cindy Elliott, Photographer
Jerri Stanard, Painter, Stain Glass
Benjamin Brown, Author
Brenda Baird, Floral Design Teacher
Marcia Castro, Cake Artist
Erin Stevens, Photographer

Oklahoma

Kishore Masilamani, Cake Designer
Rick Boyd, Graphic Designer
Adele Leach, Writer
Jeffrey Ducummon, Artist
Amarllis Hazlip, Graphic Designer

Oregon

Randell Embertson, Marketer
Barbara Keigher, Artist
Barbara Anderson, Baker, Photographer
Ross Caughell, Photographer
Karyn Eremeyeff, Theater Coordinator
Nicole Spring, Photographer
Paul Leavitt, Videographer
Larry Sparks, Author, Writer

Pennsylvania

Michael Martin, Musician
Stephanie Krell, Musician, Composer
Mark Samoylo, Speech Writer

David Poliziani, Painter
Karen Kiefer, Organist
Joseph Ebersole, Graphic Designer, Printer
Halima Krugh, Performance Artist
Thomas Blair, Director, Choreographer
Kathryn Imler, Cake Designer
Paul Griffin, Filmmaker
Joseph Cristaldi, Designer, Innovator
Scott Lanser, Author, Editor, Publisher

Puerto Rico

Gloria Ortiz, Muralist

Rhode Island

Catherine Thomas-Whiton, Cake Designer

South Carolina

Lorin Fairweather, Photographer
Loretta Thompson, Photographer
Myra Ketterman, Writer
Richard Koethe, Author, Speaker
Terry Shields, Dancer, Choreographer
Gene Fant, Author, Editor

South Dakota

Chastity Julson, Author, Speech Writer, Editor
Claton Butcher, Audiobook Narrator

Tennessee

Stephen Fann, Speech Writer, Poet
Lynn Cowan, Editor

Mark Mellinger, Marketer
Elizabeth Fillingim, Artist
Jim Marlowe, Photographer
Mike Allen, Filmmaker
Gary Fitsimmons, Playwright
David Dimuzio, Songwriter
Claude Atkins, Author

Texas

Jason White, Author
Ron Scribner, Photographer, Videographer
Jeanne Gardner, Graphic Designer, Art Director
Christopher Corbett, Writer
Julia Fellers, Marketer
Shana Simpson, Marketer
Joy Bohannon, Musician
Jeff Payne, Author
William Wylie, Sculptor, Furniture Artist, Poet
Stephanie Frederick, Musician
Ronald Gann, Marketer
David Casper, Musician
Leah Gutierrez, Photographer
Kindle Gossage, Painter
Tammy Talley, Musician, Singer, Songer Writer
Guadalupe Macasil, Photographer
Phillip Davenport, Musician And Speech Writer
Chris Ganz, Graphic Designer
Cally Vick, Graphic Designer
Leann Weiss-Rupard, Author, Speaker
Nancy Porche, Writer
Emily Mcclure, Photographer
Elizabeth Neal, Cake & Cookie Designer
Anthony D'Ambrosio, Video Production
Terry Barnes, Fine Artist

John Swiger, Consultant
Duane Pemberton, Marketer
Bonnie Swain, Retired Artist
Laura Hobbs, Writer
Jena Craig, Photographer

Utah

Clifford Buxtn, Author
Bryce Christensen, Poet

Virginia

Lisa Pizana, Fine And Graphic Artist
Robert Benne, Author
Janice Esposito, Musician
Shawn Staggs, Graphic Designer, Art Director
Linde Nagel, Graphic Designer
Kathy Akers, Author
Glyn Roberts, Writer, Author
Janna Bowman, Event Planner
Matthew Hatcher, Script Writer
Alan Campbell, Filmmaker, Photographer, Writer
Shannon Skousgaard, Phd, Author
Danielle Lussier, Photographer
Os Guinness, Author
George Bowers, Author, Poet
Jessie Wise, Writer
Robert Martin, Writer, Speaker
Cheryl Saggers, Art Teacher
Jason Jacobs, Website Designer
Max Lyons, Publisher, Author
Robert Dutton, Author, Editor
Carrie Midgette, Cake Designer
Ryan Bomberger, Chief Creative Officer

Deborah Freeman, Cake Designer
Martina Bohnslav, Graphic Designer
Krista Skelton, Artist, Art Teacher
Dane Skelton, Author
Chris M. Evans, Author
Heather Ankerbrand, Musician
Dr. Bruce Kirk, Dean, School of Communications & Digital Content

Vermont

Kevin Dougherty, Photographer, Author, Musician
Deborah Dougherty, Author
Lynne Caulfield, Musician

Washington

Terry Bryant, Writer
Karen Olson, Author, Editor
Darlene Paterson, Writer, Poet
Dara Morris, Filmmaker
Scott Rodin, Author
K-Y Su, Cartographer, Stage-Lighting Designer
Debra Seabury, Writer
Barb Shelton, Author, Blogger
Shannon Meloy, Photographer
Daniel Renshaw, Writer

Wisconsin

Jodi Danforth, Cake Designer
Brandon Palmer, Filmmaker
Carol Minor, Musician
Tim Jorgenson, Writer
Abigail Harvey, Painter, Graphic Designer

Susan Fitzsimmons, Editor
Jerrie Yehling, Illustrator, Artist
Thomas Ross, Writer
Ginny Maziarka, Editor, Publisher, Graphic Designer
Hilary Hummer, Cake Designer

West Virginia

Paul Hester, Author

Wyoming

Max Watford, Writer
Betty Scranton, Journalist
Jonathan Lange, Author
Alaina Niemann, Musician
Cristina Sheats, Face Painter, Body Art